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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,830	04/10/2001	Michael J. Betz	P00525-US-0 (18217.0001)	1077

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EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,830

Applicant(s)

BETZ ET AL.

Examiner

Chanda L. Harris

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim24 is objected to because of the following informalities: Lines 3 and 7, respectively: There should be a space between "system" and "of" and "lesson" and "with". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Is Applicant trying to claim a system or a method? Are these claims meant to be dependent or independent?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United

States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 7-19, 21-25, and 27-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Linton (US 6,282,404).

1. [Claims 1-2, 14, 16-17]: Regarding Claims 1-2, 14, and 16-17, Linton discloses an educator provider system for transmission of at least one interactive lesson comprising an audio file such that when the at least one lesson is transmitted over the network means from the educator provider system to the at least one student system, the presentation of the at least one lesson is controlled by an audio controlling means based on the received audio; wherein at least one lesson comprises a plurality of presentations, at least one of the plurality of presentations having at least one audio file associated therewith; and a video controlling means for controlling presentation of the lesson based on the received at least one video file. See Col.6: 5-8. Linton discloses at least one student system capable of receiving the at least one lesson and presenting the at least one lesson to at least one student and wherein the educator provider system is capable of generating the at least one lesson. Col.6: 58-66. Linton discloses a network means for connecting the educator provider system with the at least one student system in bi-directional communication. See Col.7: 7-15.

2. [Claims 3-4]: Regarding Claims 3 and 4, Linton discloses an education authority system connected to network means and an education authority system capable of generating the at least one lesson. See Col.5: 35-46.

3. [Claims 7,18,21, 25, 27-29]: Regarding Claims 7,18, 21, 25, and 27-29, Linton discloses wherein the educator provider system includes means for generating a course

completion record for transmission over the network means to the education authority system. See Col.9: 37-49 and Col.10: 25-34.

4. [Claim 8]: Regarding Claim 8, Linton discloses wherein the network means comprises a global network. See Col.5: 16-20.

5. [Claim 9]: Regarding Claim 9, Linton discloses wherein the global network comprises the Internet. See Col.6: 16-18.

6. [Claim 10]: Regarding Claim 10, Linton discloses wherein the at least one student system comprises an Internet browser. See Col.6: 2-5.

7. [Claim 11]: Regarding Claim 11, Linton discloses wherein the audio controlling means comprises a browser plug-in suitable for use in streaming audio content over the Internet. See Col.6: 8-15.

8. [Claims 12-13]: Regarding Claims 12 and 13, Linton discloses means for interrupting (i.e. pause), means for tracking the point at which the at least one lesson was interrupted, and means for resuming the interrupted lesson at such recorded point. See Col.8: 22-24.

9. [Claim 15]: Regarding Claim 15, Linton discloses wherein the at least one of the plurality of presentations comprises a test for the student. See Col.5: 46-50.

10. [Claim 19]: Regarding Claim 19, wherein the lesson completion record includes a unique course instance identifier is considered to be an inherent feature of Linton's invention. See Col.9: 46-49

11. [Claims 22-24]: Regarding Claims 22-24, Linton discloses controlling the pace of the presentation of the received lesson at the student system and controlling the pace

(e.g. cueing) of the presentation of the received lesson with the received audio file. See Col.8: 11-29.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 20, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linton in view of Papadopoulos (US 6,099,320).

[Claim 5-6, 20, 26, 30]: Regarding Claims 5-6, 20, 26, 30, Linton does not disclose expressly means for generating and printing an electronic certificate and granting course credit to the student. However Papadopoulos teaches such in Col.8: 59-67. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate such limitations into Linton to provide an efficient administrative means.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Salette (US 6,155,840)
 - system and method for distributed learning

- Thean et al. (US 6,397, 036)
-collaborative learning
- Richard et al. (US 6,162,060)
-courseware over a computer network
- Ho et al. (US 6,398,556)
-computer-aided learning methods and apparatus
- Blass et al. (US 6,296,489)
-sound file recording
- Aggarwal et al. (US 6,381,444)
-virtual classes
- Linberg (US 6,386,882)
-software-based training

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 703-308-8358. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Art Unit: 3714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Chanda L. Harris
Examiner
Art Unit 3714

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August 9, 2002

Joe H. Cheng
Primary Examiner